UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,866	10/06/2000	David Allison Bennett	PSTM0038/MRK/STM	2836

			EXAMINER
29524	7590	11/30/2006	WEBB, JAMISUE A

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ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/684,866	BENNETT ET AL.
Office Action Summary	Examiner	Art Unit	
	Jamisue A. Webb	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 September 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>4-8,10-16,18,19,22,23,25,27-31,33-36,42,44,45 and 49-52</u> is/are pending in the application.

　　4a) Of the above claim(s) <u>4-8,10,11,13-16,18,19,22,23,25,28,43,51 and 52</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>12,27,29-31,33-36,42,44,45,49 and 50</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>20060615</u>.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 9/6/06 has been entered.

Election/Restrictions

2.   Newly amended claim 28 is directed to an invention that is independent or distinct from

the invention originally elected during the restriction made 1/11/06 claimed for the following

reasons: In the restriction requirement, Claim 4 was withdrawn from consideration by the

applicant as being drawn to a non-elected invention. Claim 28, has now been amended to claim

receiving a selection from a first plurality of carriers and a second plurality of carriers authorized

by the first user for identification by a second user for shipping the particular parcel to the

second user, and further claims the selectable listing is adapted for receiving an indication from

the second user of a selection of one carrier for the second plurality of carriers as a carrier for

shipping the particular parcel. These features are what originally set Claim 4 apart from the

elected invention.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for prosecution

on the merits. Accordingly, claim 28 is withdrawn from consideration as being directed to a

non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 12 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kara et al.

(WO 99/21330).

5.   With respect to Claims 12 and 30: Kara discloses the use f a shipping management

computer system that is programmed for:

      a.   Collecting from a user, parcel specifications (physical or electronic mail,

reference numeral 112), and shipping preferences for a particular parcel (whether by

paper or e-mail, see Page 12, lines 18-28 and Page 14, lines 1-11), the parcel

specification includes an origin address (Kara discloses the use of delivery addresses,

return addresses, which the examiner considers to be an origin address, See Figure 1 with

corresponding detailed description) and a parcel type, (whether it is paper mail or

electronic mail, see abstract);

      b.   Collecting, from a second user, destination address which includes a zip code

(Kara discloses providing a delivery service with information as to how the documents

should be delivered, and delivery preferences, which includes service as well as address

(Page 14, lines 13-28, the recipient discloses whether the mail is sent via physical mail, or

electronic mail, therefore different carriers, and that information would include which

carrier would deliver the mail (see abstract);

c.   Calculate a shipping rate (page 12, lines 18-28);

d.   Displaying the shipping rate to either the first user to the second user (Page 16,

lines 17-25), the shipping rate calculated using the parcel specifications, origin address,

destination zip code, the carrier and the service (Page 16, line 26 to Column 17, line 4);

e.   Where in the first and second users access the shipping management computer via

the Internet, which the examiner considers to be a global communications network (See

Claim 85).

6.   Claims 27 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Kara et al.

(6,233,568).

7.   With respect to Claims 27: Kara discloses a shipping management computer system that

is programmed to:

8.   Receive a set of parcel specification (See Figure 8, reference numeral 802);

f.   Receive a default shipping location associated with a user (Return address,

reference numeral 803, with corresponding detailed description);

i.   With respect to the term "wherein said default shipping location comprises

an identification of a location to which the particular user will drop off parcels to

be shipped, and wherein the default shipping locations is selected from a plurality

of default shipping location alternatives", this phrase is considered to be non-functionally related to the system claim. In a system claim the system is relied on only for the structural limitations and the functionalities associated there with. The system claimed is a shipping management computer system which is programmed to perform certain functions. Therefore a software operating on a computer device which collects data, performs functions, and send out results. The claimed shipping management system receives an indication of a default shipping location, but how the default shipping location is chosen, or how it is related to the user, or whether it was selected from one location or multiple location, is not performed by the shipping management computer system, it is performed externally of the system by the user. Therefore not functionally related to the shipping management computer system.

g.   For each respective carrier of a plurality of carriers apply a set of carrier specific rules (based on shipping location and parcel handling) to the default shipping location to determine which of carriers would support shipping the parcel to the default location (See Figure 8, Column 21, lines 8-28 and Column 22, lines 1-19).

h.   Generate a display that includes a listing of each of the carriers that would support the shipping of the parcel from the default shipping location (See Figure 8);

i.   Wherein the shipping management computer system is configured for access by a plurality of carriers and each user accesses the computer system using the internet, which the examiner considers to be a global communications network (See Claim 45).

9.   With respect to Claim 50: Kara discloses a shipping management computer system that is

programmed to:

      j.   Communicate remotely with a plurality of user computer devices (See Claim 45);

      k.   For each user:

          ii.   Receive a request to ship a parcel, wherein the request includes:

              (1)   An origin postal code (See Figure 8);

              (2)   A destination postal code (See Figure 8);

              (3)   A set of parcel characteristics (See Figure 8);

          iii.   In response to a request:

              (4)   Determine a first and second carrier specific origin zone identifier

(Column 21, lines 60-67);

              (5)   Determine a first and second carrier specific destination rating

zone identifier (Column 21, lines 60-67);

          iv.   Calculate using zone identifiers, rates of first and second delivery services

of the first and second carriers (See Figure 8).

10.   Claims 44 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Nicholls

(5,485,369).

11.   With respect to Claim 44: Nicholls discloses a shipping management computer system

that is programmed to:

      l.   Receive a set of data input, parcel specifications from a user (Figure 4A with

corresponding detailed description);

    m.   Determine a set of rating and scheduling information (See Figures 4A-4I, with

corresponding detailed description) related to shipping a parcel from an origin to

destination;

    n.   Generating an interactive user interface display according to a set of data input by

a particular user via a remote user client device (See Figure 4A and 4B) comprising:

        v.   At least one data collection field (See Figures 4A and 4B);

        vi.   The set of rating and scheduling information (See Figures 4A and 4B) and

        vii.   An executable set of instructions for regenerating the interactive user

interface display in response to a user modification of data in the data collection

field (Rate button, and Repeat button, Figure 4B);

    o.   The user communicated with the shipping management system via the internet,

which the examiner considers to be a global communications network (Column 3, lines

38-45).

12.   With respect to Claim 45: Nicholls discloses the interactive user interface display is

displayed on a remote user client computer device (See Figure 6).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

14.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15.   Claims 29, 31 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nicholls et al. (5,485,369) in view of Kara et al. (6,233,568).

16.   With respect to Claims 29, and 31: Nicholls discloses a shipping management computer

system, which is programmed to:

    p.   Communicated with a plurality of client computer devices via the Internet

    (Column 3, lines 38-45);

    q.   Instruct the client computer device to recognize a measured weight of a parcel

    using a digital scale (Reference numeral 34, Figure 41 with corresponding detailed

    description);

    r.   Instruct the client computer device to communicate the measured weight to the

    shipping management computer system (See Figure 4A);

    s.   Receive the measured weight by the user (See Figure 4A), this weight is used to

    calculate the weight of the parcel, therefore the examiner considers this to be a ratable

    weight;

t.   Calculate at least one shipping rate using the measured weight (See Figure 4A and

Rate server, Figure 6)

17.   Nicholls however fails to disclose displaying the shipping rate to a displayable device in

communication with the client computer device. Kara discloses a computer program used for

multiple shippers that simultaneous displays calculated rates for multiple carriers (See Figure 8,

column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the

time the invention was made to have the shipping rates of Nicholls be displayed to the user as

disclosed by Kara, in order to present the user with information from which to make an informed

choice as to a particular shipping service provider by which to ship a particular item (See Kara,

Column 22).

18.   Claims 29, 31 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nicholls et al. (5,485,369) in view of Kara et al. (6,233,568) and Thiel (5,699,258).

19.   With respect to Claims 33, 34, 35 and 42: Nicholls discloses a shipping management

computer system which is programmed for:

u.   Communicating with a plurality of user client computer devices via a network

communications protocol (Column 3, lines 38-45);

v.   Receiving a request from a user associated with the client computer device, to

ship a particular parcel (See Figure 4A), wherein the request includes:

viii.   An origin identifier (origin address, Figure 4A);

ix.   A delivery destination identifier (See Figure 4B);

x.   A set of parcel specifications (See Figure 4B).

20.   Nichols discloses the use of a carrier system, however fails to disclose identifying a plurality of carriers that would support shipping the parcel and displaying the rates to the user. Kara discloses a computer program used for multiple shippers that simultaneous displays calculated rates for multiple carriers (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item (See Kara, Column 22).

21.   Nicolls and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of rates for each carrier that includes rates of different services (Column 11, lines 1-13). Thiel discloses the use of a system for calculating rates for multiple carriers for multiple services (see abstract), and discloses the computer storing data for the rates of each service for each carrier in one table (Column 11, lines 1-13). Thiel also discloses that the system will walk the user through which service is wanted, however discloses displaying only the final rate for desired service for multiple carriers (Column 11, lines 46-54).

22.   Nicholls, Kara and Theil fail to disclose the "simultaneous" display of shipping charges for each service of each carrier. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to display all charges simultaneously. All the rates of each service of each carrier are calculated by Nicholls, Kara and Thiel. Thiel even shows all the rates are stored in one table, however, they all require some sort of selection by the user before each charge is displayed. The way something is displayed, is not considered to be patentable

over the prior art of record, therefore it would have been obvious for one of ordinary skill in the art to display all the calculated rates simultaneously for comparison purposes. It should also be noted that the claims are all drawn to system claims, which are limited to the actual systems and their capabilities, and that what information is actually displayed is considered to be printed matter, and unless the information is used further in the system, then what is actually displayed is considered non-functional.

23.   With respect to Claim 49: Nicholls discloses a shipping management computer system, which is programmed to:

> w.   Communicated with a plurality of client computer devices via the Internet (Column 3, lines 38-45);

> x.   Instruct the client computer device to recognize a measured weight of a parcel using a digital scale (Reference numeral 34, Figure 41 with corresponding detailed description);

> y.   Instruct the client computer device to communicate the measured weight to the shipping management computer system (See Figure 4A);

> z.   Receive the measured weight by the user (See Figure 4A), this weight is used to calculate the weight of the parcel, therefore the examiner considers this to be a ratable weight;

> aa.   Calculate at least one shipping rate using the measured weight (See Figure 4A and Rate server, Figure 6);

24.   Nicholls however fails to disclose displaying the shipping rate to a displayable device in communication with the client computer device. Kara discloses a computer program used for

multiple shippers that simultaneous displays calculated rates for multiple carriers (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item (See Kara, Column 22).

25.   Nicholls and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of rates for each carrier that includes rates of different services (Column 11, lines 1-13). Thiel discloses the use of a system for calculating rates for multiple carriers for multiple services (see abstract), and discloses the computer storing data for the rates of each service for each carrier in one table (Column 11, lines 1-13). Thiel also discloses that the system will walk the user through which service is wanted, however discloses displaying only the final rate for desired service for multiple carriers (Column 11, lines 46-54).

26.   Nicholls, Kara and Theil fail to disclose the "simultaneous" display of shipping charges for each service of each carrier. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to display all charges simultaneously. All the rates of each service of each carrier are calculated by Nicholls, Kara and Thiel. Thiel even shows all the rates are stored in one table, however, they all require some sort of selection by the user before each charge is displayed. The way something is displayed, is not considered to be patentable over the prior art of record, therefore it would have been obvious for one of ordinary skill in the art to display all the calculated rates simultaneously for comparison purposes. It should also be

noted that the claims are all drawn to system claims, which are limited to the actual systems and

their capabilities, and that what information is actually displayed is considered to be printed

matter, and unless the information is used further in the system, then what is actually displayed is

considered non-functional.

27.   With respect to Claim 36: Nicholls discloses the use of a shipping computer system (see

abstract), with a method of using the system and a computer program located on the computer

system, which instructs the computer to perform rate calculations (Column 4, lines 8-24).

Nicholls discloses each carrier having a set of shipping requirements and a predefined rate

structure (Column 2, lines 17-19, column 4, lines 49-55 and claim 1), and identifying a

displaying the carriers along with the rates of services, for each of the parcels according to rules

(See Figures 4B, 4C, and 4D, column 2, lines 32-38, column 7, lines 25-39 and claim 1) for each

carrier. Nicholls discloses this system to be used over a global network (column 3, lines 38-45).

28.   Nicholls discloses the rates are calculated for carriers with specific delivery requirements

such as Proof of Delivery (See Figure 4A), but fails to disclose the specific delivery requirements

includes an electronic mail delivery notification. Fisher discloses a method for supplying

automatic status updates using e-mail (see abstract). It would have been obvious to one having

ordinary skill in the art at the time the invention was made to have the proof of delivery of

Nicholls be the electronic notification system, as displayed by Fisher, in order to automatically

send delivery status messages over e-mail without the aid or need of a human customer service

representative. (See Fisher, Columns 1 and 2).

29.   Fisher and Nicholls discloses a multiple carrier system that calculates rates for carriers

with specific parameters such as notification of delivery, however Nicholls discloses the

automatic selection of a carrier and fails to disclose simultaneously displaying the rates of the

carriers to the user. Kara discloses a computer program used for multiple shippers that

simultaneous displays calculated rates for multiple carriers (See Figure 8, column 22, lines 20-

38). It would have been obvious to one having ordinary skill in the art at the time the invention

was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in

order to present the user with information from which to make an informed choice as to a

particular shipping service provider by which to ship a particular item (See Kara, Column 22).

30.   Nicolls and Kara, disclose the use of calculating and displaying rates for specific

services, for multiple carriers, but fails to disclose the simultaneous display of rates for each

carrier that includes rates of different services (Column 11, lines 1-13). Thiel discloses the use of

a system for calculating rates for multiple carriers for multiple services (see abstract), and

discloses the computer storing data for the rates of each service for each carrier in one table

(Column 11, lines 1-13). Thiel also discloses that the system will walk the user through which

service is wanted, however discloses displaying only the final rate for desired service for

multiple carriers (Column 11, lines 46-54).

31.   Nicholls, Kara and Theil fail to disclose the "simultaneous" display of shipping charges

for each service of each carrier. It would have been obvious to one having ordinary skill in the

art at the time the invention was made, to display all charges simultaneously. All the rates of

each service of each carrier are calculated by Nicholls, Kara and Thiel. Thiel even shows all the

rates are stored in one table, however, they all require some sort of selection by the user before

each charge is displayed. The way something is displayed, is not considered to be patentable

over the prior art of record, therefore it would have been obvious for one of ordinary skill in the

art to display all the calculated rates simultaneously for comparison purposes. It should also be

noted that the claims are all drawn to system claims, which are limited to the actual systems and

their capabilities, and that what information is actually displayed is considered to be printed

matter, and unless the information is used further in the system, then what is actually displayed is

considered non-functional.

Response to Arguments

32.   Applicant's arguments filed 9/6/06 have been fully considered but they are not

persuasive.

33.   With respect to applicant's arguments that Kara II (WO 99/21330) does not disclose the

limitations of claims 12 and 30: Claims 12 and 30 are drawn to a system claim, which is drawn

to only the structural limitations and the capabilities of the structure. The system claim is a

shipping management computer that is programmed to perform functions. Therefore it is a

system with software running on a server and collects information, processes the information,

then outputs the result. Where the information is being obtained, whether it is from a first user,

third user or second user, it is still collecting the information from an outside source, the

processing the information the same way. Therefore the limitation of collecting a request from a

"second user" is not considered to be a functional limitation, due to the fact that the software

would run the same regardless of if the request was coming from a first user or a second user.

Therefore arguments are not considered persuasive, and rejections stand as stated above.

34.   With respect to applicant's argument with Claim 27: The rejection has been modified to cover the newly added claim limitations.

35.   With respect to applicant's argument in terms of Claim 50 and Kara does not disclose calculating a rate of multiple services for multiple carriers: Figure 8 clearly shows Kara calculating rates for multiple carriers at and calculating multiple rates for multiple services. Kara does this with user interaction and the system of carrier is capable and operable to perform the functions as set forth in Claim 50, with user interaction, however Claim 50, does not disclose all rates must be calculated simultaneously, or without any user intervention, therefore the examiner considers Kara to disclose the claim limitations of 50, rejection stands as stated above.

36.   With respect to Applicant's arguments in terms of Claims 44 and 45: The applicant is arguing these claims in terms of what the specification of the instant application recites. However it is unclear to the examiner what "claim" limitation the applicant is arguing. The examiner has stated the "rate button" or "repeat button" to be a display with an instruction for regenerating the display, due to the fact that by the user clicking on these buttons, instructs the system to execute instruction. The examiner considers Nicholls to disclose the claimed limitations, therefore rejection stands as stated above.

37.   With respect to Applicant's arguments in terms of Claim 31: The applicant is arguing that there is no disclosure in Nicholls to send executable program instructions to instruct the client computer device to recognize a measured weight. The computer system of Nicholls send a user interface to a client device. In the user interface the weight is entered, therefore by sending the user the user interface, it therefore sends instructions to recognize the weight, therefore causing weight to be used in the calculation. The client computer device is not going to automatically

populate the weight field, unless there is some instruction as to how to populate it. The user

interface is associated with the computer system; therefore inherently by displaying the user

interface will send instructions for the user device to recognize a measured weight, as long as in

the program there it allows for a scale. Therefore it is the examiner's position that Nicholls

teaches every claim limitation of Claims 31 and 49 and rejections stand as stated above.

38.   With respect to Claim 49: The rejections has been modified to claim the simultaneous

display of rates for each service for each carrier, see rejection above.

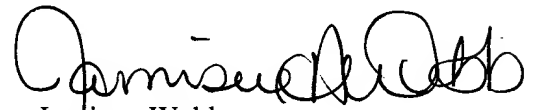39.   With respect to Claims 33-35 and 42: See arguments for Claim 49.

40.   With respect to Claim 36: The applicant is arguing that there is no motivation to combine

Fisher with the Nicholls and Kara references, however, as stated above, the examiner has

provided motivation. The applicant is not arguing the motivation, but merely stating that there is

none. The examiner considers there to be motivation, therefore rejection stands as stated above.

The examiner has modified the rejection to cover the newly added claim limitations.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811.

The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jan isue Webb
Patent Examiner
Art Unit 3629